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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/901,277	07/09/2001	Osamu Nagata	7217/64520	7556

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EXAMINER

PSITOS, ARISTOTELIS M

ART UNIT

PAPER NUMBER

2653

DATE MAILED: 02/19/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/901,277

Applicant(s)

NAGATA ET AL.

Examiner

Aristotelis M Psitos

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 December 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) all is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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DETAILED ACTION

Applicants' response of 12/12/02 has been considered with the following results.

Specification

The amendment to the title of the invention is greatly appreciated. Nevertheless, because the claims focus on the ability of having a "separating information" the examiner recommends some title with the special character "/" to denote the inventive claimed feature with respect to the "separating information". Hence the amended title is still objected to.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary.

Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

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4. Claims 1-3 and 33 are rejected under 35 U.S.C. 103(a) as obvious over Hui further considered with Yokota et al, Igarashi et al and Matsumoto et al.

Hui discloses a record medium having two "management" data areas; the index file and the directory file – note such descriptors in figure 2.

Note in particular the description of these areas as further disclosed in Hui at col. 4 lines 1-13 and as further described at col. 6 lines 1-20.

The examiner interprets these two areas as being the first and second management data areas as recited in the independent claim.

With respect to what information is contained in these areas, the examiner makes the following analysis.

The director area contains first management data – see above sections of Hui, and as interpreted by the examiner is TOC data. (Table of Contents) which meets the claimed limitation.

With respect to the data/information contained in the second management data areas:

Second management data – logical sector numbers or tracks for particular data; group names (file names), range information -are not specifically mentioned, nor is the separating information for separating the group names.

The ability of having the additional capabilities – both names for the files/groups as well as range information is well known in this environment as further taught by Yokota et al – see figure3 & 4, which show both start and end address information – the range information; and the name of the track or disc – the claimed group names. Using such well-known techniques for identification purposes is considered motivation to modify Hui and include such information in his index file for the inherent ability of identifying tracks.

Finally with respect to the separating information, again the examiner considers such as being the commonly know ability of using delimiters in this environment – as further taught by the Matsumoto et al document, see figures 1-3 and the description thereof.

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It would have been obvious to modify the system of Hui and Yokota et al with the additional teaching Matsumoto et al in order to appropriately code the character string(s) and provide for the inherent delimiting function.

With respect to claim 2, the first and last track number is the start and end address for the track(s) as depicted in figure 3 of Yokota et al.

With respect to claim 3, the recording medium name is interpreted as the disc name ability in figure 4 of Yokota et al.

With respect to claim 33, the placing of the separating information/delimiting character(s) as recited is considered to be merely a design choice – that is placing of the delimiting character(s) to separate the range information from the group name, as opposed to anywhere else if not a duplicate ability, placing of delimiting character(s) as desired to separate the coding for subsequent recognition by the controller (control means) of Hui, is up to the individual program writer. No unexpected results are seen to occur for placing the delimiting characters as further taught by Matsumoto et al – see col. 2 line 45 to col. 2 line 24.

Response to Arguments

5. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

6. Igarashi et al ^{both documents are} is cited also as illustrative of track address (range) information in a second data management area, wherein the FAT file/TOC is the first data management area ^{(in US'664) and as recited in col 23 line 30 to col. 24 line 10 in WO '740.}
Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action

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is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiries concerning missing papers/references, etc. must be directed to: Group 2600 Customer Services at (703) 306-0377.


Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is: (703) 30504700.

Any inquiry concerning the merits of this communication or earlier communication from the examiner should be directed to Aristotelis M. Psitos whose telephone number is: (703) 308-1598. The examiner can normally be reached on Monday-Thursday 8-4 EST. Messages can be left on the recording device.

If attempts to reach the examiner, or any of the above telephone contact points are unsuccessful, the examiner's supervisor, W. Korzuch can be reached on: (703) 305-6137.

The FAX number for the organization where this application or proceeding is assigned is: (703) 872-9314.

Aristotelis M. Psitos
Senior Primary Patent Examiner
Art Unit 2653



AMP
February 11, 2003